

THE HONORABLE JOHN C. COUGHENOUR

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON

JAMES HEALY, on behalf of himself and all
others similarly situated,

Plaintiff,

vs.

MILLIMAN, INC., d/b/a INTELLISCRIPIT,

Defendant.

Case No. 2:20-cv-01473-JCC

**STIPULATED MOTION TO EXTEND
DEADLINE TO SEND CLASS NOTICE SO
THAT THE PARTIES CAN CONDUCT
MEDIATION**

**NOTED FOR CONSIDERATION:
DECEMBER 8, 2022**

WITHOUT ORAL ARGUMENT

Plaintiff James Healy and Defendant Milliman, Inc. jointly move this Court for entry of an order granting an approximately two-month extension of the deadlines for the administrator to send class notice, for class members to opt out of the classes, and for Plaintiff to submit a list of opt outs to the Court. The parties seek this extension to provide time to resolve the matter through private mediation. In support of this request, the parties state as follows:

1. This is a certified class action. See Dkt. No. 126 (Order Granting in Part and Denying in Part Plaintiff's Motion for Class Certification).

2. After the classes were certified and discretionary review denied, the parties have worked cooperatively to assemble the list of individuals to whom notice of the class action will be sent and to prepare the notices. Defendant produced the data necessary to assemble the

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class list, Plaintiff's expert has analyzed it, the notice administrator has performed reverse lookups to obtain email addresses for each class member, and—with the help of the notice administrator—the parties have agreed on final forms of notice.

3. The parties have agreed that now is a good juncture to try to resolve this matter through private mediation and good cause exists to extend the deadlines. Resolving the case now would save substantial time and money as the parties could send notice of the class action to the over 400,000 class members one time. Without a settlement, notice would need to be sent twice—now and after the case resolves. *See* Fed. R. Civ. P. 23(e)(4) ("If the class action was previously certified under Rule 23(b)(3), the court may refuse to approve a settlement unless it affords a new opportunity to request exclusion to individual class members who had an earlier opportunity to request exclusion but did not do so.").

4. Plaintiff has reached out to potential mediators to obtain their availability for a mediation in January or very early February and are waiting to hear back. The parties agree to work expeditiously and in good faith to identify a mediator and schedule the mediation.

5. The parties are agreeable to exchanging information about the case and its value before the mediation.

6. The parties agree that any extension of time to conduct mediation must not result in a continuance of the trial currently scheduled for October 16, 2023 at 9:30 a.m.

7. Accordingly, the parties respectfully request that the Court enter the following case schedule. All other deadlines would not change:

| Event | Current Deadline | Proposed Deadline |
|---|------------------|-------------------|
| Deadline to complete mediation | | February 7, 2023 |
| Deadline for the parties to submit a joint status report informing the court of the | | February 10, 2023 |

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| | | |
|---|------------------|-------------------|
| outcome of mediation | | |
| Administrator sends notice after performing reverse lookups for email addresses and performing an NCOA update | December 9, 2022 | February 14, 2023 |
| Deadline to opt out of class | January 24, 2023 | March 20, 2023 |
| Deadline to file list of opt outs with Court | February 7, 2023 | March 24, 2023 |
| Deadline to complete fact discovery | March 9, 2023 | March 24, 2023 |

RESPECTFULLY SUBMITTED AND DATED this 9th day of December, 2022.

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[PROPOSED] ORDER

IT IS SO ORDERED.

DATED this 9th day of December 2022.

A handwritten signature in black ink, appearing to read "John C. Coughenour", is written over a horizontal line.

John C. Coughenour
UNITED STATES DISTRICT JUDGE

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